

August 11, 2015

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Jocelyn Boyd  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
Synergy Business Park, The Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

Re: Petition of the South Carolina Telephone Coalition for a  
Determination that Wireless Carriers are Providing Radio-Based  
Local Exchange Services in South Carolina that Compete with Local  
Telecommunications Services Provided in the State

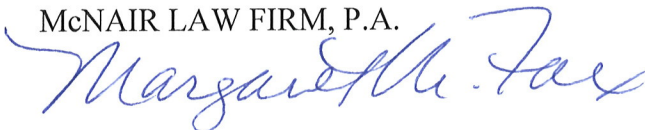
Dear Ms. Boyd:

Enclosed for filing please find a Petition and Proposed Notice of Filing  
and Hearing in the above matter.

Please contact me if you have any questions concerning the attached  
filing. Thank you for your assistance.

Very truly yours,

McNAIR LAW FIRM, P.A.



Margaret M. Fox

MMF:dmf

Enclosure

cc: Nanette Edwards, Esquire, ORS (w/encls.)

McNAIR LAW FIRM, P.A.  
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Columbia, SC 29201

Mailing Address  
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BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

Docket No. 2015-\_\_\_\_-C

In Re: Petition of the South Carolina Telephone Coalition )  
For a Determination That Wireless Carriers are Providing )  
Radio-Based Local Exchange Services in South Carolina )  
that Compete with Local Telecommunications Service )  
Provided in the State )  
\_\_\_\_\_)

The South Carolina Telephone Coalition and its individual member companies (“SCTC”) hereby petition the Public Service Commission of South Carolina (“Commission”), pursuant to S.C. Code Ann. § 58-9-280(E)(3) and Commission Regulation 103-825, for a determination that carriers who offer retail wireless services in South Carolina are providing telecommunications services in South Carolina, and that they are providing radio-based local exchange services in this State that compete with local telecommunications service provided in this State. In support of its Petition SCTC would respectfully show unto this honorable Commission the following:

1. SCTC is a coalition of local exchange telephone companies organized and doing business under the laws of the State of South Carolina. SCTC’s members are telephone companies or telephone cooperatives subject to the jurisdiction of this Commission. A list of SCTC companies is attached hereto as Exhibit A.

2. SCTC’s individual member companies provide local exchange telephone service within their respective geographic service areas. SCTC’s member companies are carriers of last resort and receive support from the state universal service fund (“State USF”). SCTC’s member companies and their affiliates also contribute to the State USF.

3. S.C. Code Ann. § 58-9-280(E)(2) provides: “The commission shall require all telecommunications companies providing telecommunications services within South Carolina to contribute to the USF as determined by the commission.” The Commission previously has established guidelines and procedures to accomplish this legislative mandate. “Telecommunications services” are defined in State law as “services for the transmission of voice and data communications to the public for hire, *including those nonwireline services provided in competition to landline services.*” S.C. Code Ann. § 58-9-10(15) (emphasis added).

4. S.C. Code Ann. § 58-9-280(E)(3) provides: “The commission also shall require any company providing telecommunications service to contribute to the USF if, after notice and opportunity for hearing, the commission determines that the company is providing private local exchange services or radio-based local exchange services in this State that compete with a local telecommunications service provided in this State.”

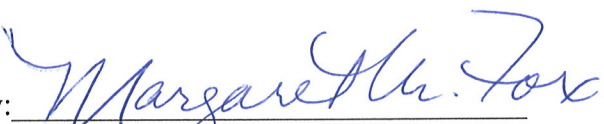
5. The Commission previously has found that, if a wireless carrier sought carrier of last resort or eligible telecommunications carrier (“ETC”) designation, that would be considered a declaration of the carrier’s intent to offer services that compete with local telecommunications services being provided in the State. *See* Commission Order No. 2001-419 at p. 37. There currently are a number of wireless carriers who contribute to the State USF on that basis.

6. While the Commission has determined that wireless carriers who are ETCs compete with local telecommunications services offered in the State, the Commission has not yet made a determination of competition with respect to wireless carriers that are not ETCs. We respectfully request that the Commission make such a determination.

7. The Commission has limited jurisdiction over wireless service (*see* 47 U.S.C. § 332(c)(3); S.C. Code Ann. § 58-11-100), and SCTC is not seeking any expansion of the Commission's jurisdiction over wireless service or over any provider of such service. State law makes clear, however, that despite this limited jurisdiction, the Commission retains jurisdiction to determine that wireless companies provide service that competes with local telecommunications service pursuant to Section 58-9-280(E)(3) and to administer such a determination. *See* S.C. Code Ann. § 58-11-100(C) ("Nothing in [the section limiting the Commission's jurisdiction over wireless services] affects any jurisdiction conferred upon the commission by Section 58-9-280(E)(3).") SCTC is requesting only that the Commission exercise its express statutory authority under S.C. Code Ann. § 58-9-280(E)(3), as permitted by S.C. Code Ann. § 58-11-100(C), to find that retail wireless carriers are providing radio-based local exchange services that compete with local telecommunications service in South Carolina.

WHEREFORE, for the reasons stated above, the South Carolina Telephone Coalition respectfully requests that the Commission hold a hearing at its earliest opportunity and enter a finding that carriers who offer retail wireless services in South Carolina are providing telecommunications services in South Carolina, and that they are providing radio-based local exchange services in this State that compete with local telecommunications service provided in this State.

Respectfully submitted,

By: 

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Bradley S. Wright  
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ATTORNEYS FOR THE SOUTH CAROLINA  
TELEPHONE COALITION

Columbia, South Carolina

August 11, 2015

## EXHIBIT A

### South Carolina Telephone Coalition Member Companies

Bluffton Telephone Company, Inc.  
Chesnee Telephone Company  
Chester Telephone Company, d/b/a TruVista  
Comporium, Inc. (f/k/a Rock Hill Telephone Company)  
Farmers Telephone Cooperative, Inc.  
Ft. Mill Telephone Company, d/b/a Comporium  
Hargray Telephone Company, Inc.  
Home Telephone ILEC, LLC d/b/a Home Telecom  
Horry Telephone Cooperative, Inc.  
Lancaster Telephone Company, d/b/a Comporium  
Lockhart Telephone Company, d/b/a TruVista  
McClellanville Telephone Company (TDS)  
Norway Telephone Company (TDS)  
Palmetto Rural Telephone Cooperative, Inc.  
Piedmont Rural Telephone Cooperative, Inc.  
PBT Telecom, d/b/a Comporium  
Ridgeway Telephone Company, d/b/a TruVista  
Sandhill Telephone Cooperative, Inc.  
St. Stephen Telephone Company (TDS)  
West Carolina Rural Telephone Cooperative, Inc.  
Williston Telephone Company (TDS)

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CLERK'S OFFICE

NOTICE OF FILING AND HEARING

DOCKET NO. 2015-\_\_-C

Docket Summary: South Carolina Telephone Coalition Petition for a Determination that Wireless Carriers are Providing Radio-Based Local Exchange Services in South Carolina that Compete with Local Telecommunications Service Provided in the State

The South Carolina Telephone Coalition and its individual member companies ("SCTC") have filed with the Public Service Commission of South Carolina ("Commission") a Petition seeking to have the Commission make a determination, pursuant to S.C. Code Ann. §58-9-280(E)(3), that carriers who offer retail wireless services in South Carolina are providing telecommunications services in South Carolina, and that they are providing radio-based local exchange services in this State that compete with local telecommunications service provided in this State.

A copy of the petition can be found on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) under Docket No. 2015-\_\_-C. Additionally, a copy of the petition is available from the Petitioner's representatives M. John Bowen, Jr., Esquire and Margaret M. Fox, Esquire, McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211.

**PLEASE TAKE NOTICE** that a hearing, pursuant to 10 S.C. Code Ann. Regs. 103-817, on the above matter has been scheduled to begin on \_\_\_\_\_, in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina 29210 for the purpose of receiving testimony and evidence from all interested parties.

Any person who wishes to participate in this matter as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before \_\_\_\_\_, and indicate the amount of time required to address the Commission. For the receipt of future Commission correspondence, please include an email address in the Petition to Intervene. *Please refer to Docket No. 2015-\_\_-C.*

Any person who wishes to testify and present evidence at the hearing should notify, in writing, the Commission; the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201; and the Petitioner's representative at the above address, on or before \_\_\_\_\_, and indicate the amount of time required to address the Commission. *Please refer to Docket No. 2015-\_\_-C.*

Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Commission, in writing, at the address below on or before \_\_\_\_\_. *Please refer to Docket No. 2015-\_\_-C.*

**PLEASE TAKE NOTICE** that any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments in person to the Commission during the hearing.

Persons seeking information about the Commission's procedures should contact the Commission at (803) 896-5100 or visit its website at [www.psc.sc.gov](http://www.psc.sc.gov).

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Direct correspondence to: Public Service Commission of South Carolina  
Attention: Clerk's Office  
Post Office Drawer 11649  
Columbia, SC 29211